

Planning Staff Analysis

FP23-0028/ Sagebrook Phase 2

City Council District #4

Planning & Zoning Commission

REQUEST:

Final plat for an approximately 9.5-acre site

APPLICANT:

Sagebrook Denton LP

RECOMMENDATION:

Staff recommends denial of this Final Plat as it does not meet the established approval criteria, as shown in the following table. However, Staff has no objection to the requested extension, which could be granted to a date certain of December 13, 2023.

Final Plat Approval Review Criteria

Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E)	Compliance		
	Met	Not Met	N/A
1. Generally a. Unless otherwise specified in this DDC, City review and decision-making bodies must review all development applications submitted pursuant to this subchapter for compliance with the general review criteria stated below. Findings: The Final Plat does not meet all review criteria, as detailed in Approval Criteria 4 below and the following items as required by the Final Plat Checklist authorized per Denton Development Code Section 2.4.4B: <ol style="list-style-type: none">1. Provide a copy of a title policy or title survey. (Checklist 1.5)2. Distinguish monuments as found and set with different symbols or label each monument as set or found. Include graphic.(Checklist 2.13))3. Provide recording information for easement adjacent to Lot 27, Block A. (Checklist 3.6)4. Add city assigned project number to title block. (Checklist 2.2)5. Add phone number for property owner. (Checklist 2.4)6. Lot 1, Block A is called out in the title block and note 5 but does not appear to be on the plat. (Checklist 2.2b)7. If water and/or sewer service will be provided through the City of Denton, include a note. (Checklist 2.15)8. Label the exact location, dimension, and centerline of existing public ROW intersecting or contiguous with its boundary or forming such boundary. (Checklist 3.14)9. Include block designations for Phase 1. (Checklist 4.1)10. Add total area of plat in square feet to legal description. (Checklist 5.3)11. Revise owner's dedication to read "City of Denton, Denton County, Texas" and remove the period. (Checklist 5.4)12. Revise Planning & Zoning Chairman to "Chairperson" (Checklist 5.5)13. Provide the purpose of the plat in a plat note. (Checklist 5.8)14. Indicate gas well locations for plugged wells on site or on adjacent property. (Checklist 6.6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E)			Compliance		
			Met	Not Met	N/A
<p>b. The application may also be subject to additional review criteria specific to the type of application, as set forth in sections 2.5 through 2.9.</p> <p>Findings:</p> <div style="border: 1px solid black; padding: 5px;"> <p>The Final Plat does not meet all review criteria, as detailed in Approval Criteria 4 below.</p> </div>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
<p>c. If there is a conflict between the general review criteria in this section and the specific review criteria in sections 2.5 through 2.9, the applicable review criteria in sections 2.5-2.9 controls.</p> <p>Findings:</p> <div style="border: 1px solid black; padding: 5px;"> <p>There is no conflict.</p> </div>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
2. Prior Approvals					
<p>a. The proposed development shall be consistent with the terms and conditions of any prior land use approval, plan, development agreement, or plat approval that is in effect and not proposed to be changed. This includes an approved phasing plan for development and installation of public improvements and amenities.</p> <p>Findings:</p> <div style="border: 1px solid black; padding: 5px;"> <p>The Final Plat is consistent with the previously approved Planned Development.</p> </div>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
3. Consistent with Comprehensive Plan and Other Applicable Plans The proposed development shall be consistent with the Comprehensive Plan and any applicable plans.					
<p>Findings:</p> <div style="border: 1px solid black; padding: 5px;"> <p>Denton 2040 Comprehensive Plan's Future Land Use Map designates the subject property as Moderate Residential. This development is consistent with the designation. However, due to the passage of House Bill 3699 and resulting changes to Texas Local Government Code Chapter 212, this is no longer applicable.</p> </div>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
<p>a. The decision-making authority shall weigh competing plan goals, policies, and strategies</p> <p>Findings:</p> <div style="border: 1px solid black; padding: 5px;"> <p>There are no competing plan goals, policies, and strategies for this site.</p> </div>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
<p>b. May approve an application that furthers the overall goals of the Comprehensive Plan even if the development does not match the future land use designation in Comprehensive Plan.</p> <p>Findings:</p> <div style="border: 1px solid black; padding: 5px;"></div>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		

Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E)			Compliance		
			Met	Not Met	N/A
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			Met	Not Met	N/A
4. Compliance with this DDC					
<p>a. The proposed development shall comply with all applicable standards in this DDC, unless the standard is to be lawfully modified.</p> <p>Findings:</p> <div style="border: 1px solid black; padding: 10px;"> <p>All applications shall include all required information requested by the Director of staff to demonstrate compliance with City codes per DDC Section 2.4.4B.</p> <ol style="list-style-type: none"> 1. Submit amended HOA documents that include this phase. HOA documents will need to be reviewed and approved by Legal before the final plat can be approved. (8.3.2D) 2. Include the area of lots and blocks in acres. (FPC3.3, DDC8.3.2 and DDC8.3.3.) 3. Add a notation to the plat notes stating the Diameter at Breast Height (DBH) of trees to be preserved and their lot location. </div>			<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>b. Compliance with these standards is applied at the level of detail required for the subject submittal.</p> <p>Findings:</p> <div style="border: 1px solid black; padding: 10px;"> <p>The subject submittal is a Final Plat, and it was reviewed based on the established checklist and requirements.</p> </div>			<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Compliance with Other Applicable Regulations					
<p>a. The proposed development shall comply with all other city regulations and with all applicable regulations, standards, requirements, or plans of the federal or state governments and other relevant jurisdictions. This includes, but is not limited to, wetlands, water quality, erosion control, and wastewater regulations.</p> <p>Findings:</p> <div style="border: 1px solid black; padding: 10px;"> <p>The Final Plat complies with all other applicable regulations.</p> </div>			<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Consistent with Interlocal and Development Agreements					

Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E)	Compliance		
	Met	Not Met	N/A
<p>a. The proposed development shall be consistent with any adopted interlocal and applicable development agreements, and comply with the terms and conditions of any such agreements incorporated by reference into this DDC.</p> <p>Findings:</p> <div data-bbox="251 403 1122 502" style="border: 1px solid black; padding: 10px;"> <p>No interlocal or development agreements are applicable to this project.</p> </div>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>7. Minimizes Adverse Environmental Impacts</p> <p>a. The proposed development should be designed to minimize negative environmental impacts, and should not cause significant adverse impacts on the natural environment. Examples of the natural environment include water, air, noise, stormwater management, scenic resources, wildlife habitat, soils, and native vegetation.</p> <p>Findings:</p> <div data-bbox="251 783 1122 882" style="border: 1px solid black; padding: 10px;"> <p>Due to the passage of House Bill 3699 and resulting changes to Texas Local Government Code Chapter 212, this is no longer applicable.</p> </div>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>8. Minimizes Adverse Impacts on Surrounding Property</p> <p>a. The proposed development should not cause significant adverse impacts on surrounding properties. The results of the citizen participation process may be appropriately considered under this section.</p> <p>Findings:</p> <div data-bbox="251 1121 1122 1220" style="border: 1px solid black; padding: 10px;"> <p>Due to the passage of House Bill 3699 and resulting changes to Texas Local Government Code Chapter 212, this is no longer applicable.</p> </div>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>9. Minimizes Adverse Fiscal Impacts</p> <p>a. The proposed development should not result in significant adverse fiscal impacts on the city.</p> <p>Findings:</p> <div data-bbox="251 1423 1122 1522" style="border: 1px solid black; padding: 10px;"> <p>Due to the passage of House Bill 3699 and resulting changes to Texas Local Government Code Chapter 212, this is no longer applicable.</p> </div>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>10. Compliance with Utility, Service, and Improvement Standards</p> <p>a. As applicable, the proposed development shall comply with federal, state, county, service district, city and other regulatory authority standards, and design/construction specifications for roads, access, drainage, water, sewer, schools, emergency/fire protection, and similar standards.</p> <p>Findings:</p> <div data-bbox="251 1833 1139 1911" style="border: 1px solid black; padding: 10px;"> <p>The proposed Final Plat is compliant with all City regulations.</p> </div>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E)		Compliance		
		Met	Not Met	N/A
11. Provides Adequate Road Systems				
a. Adequate road capacity shall exist to serve the uses permitted under the proposed development, and the proposed uses shall be designed to ensure safe ingress and egress onto the site and safe road conditions around the site, including adequate access onto the site for fire, public safety, and EMS services.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Findings:	Adequate road capacity exists external to the site.			
12. Provides Adequate Public Services and Facilities				
a. Adequate public service and facility capacity shall exist to accommodate uses permitted under the proposed development at the time the needs or demands arise, while maintaining adequate levels of service to existing development. Public services and facilities include, but are not limited to, roads, domestic water, sewer, schools, public safety, fire protection, utilities, libraries, and vehicle/pedestrian connections and access within the site and to adjacent properties.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Findings:	Current capacity can accommodate the proposed development.			
13. Rational Phasing Plan				
a. If the application involves phases, each phase of the proposed development shall contain all of the required streets, utilities, landscaping, open space, and other improvements that are required for that phase, and may not defer those improvements to subsequent phases.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Findings:	This final plat is for Phase 2 of a four-phase development. Phasing was proposed and approved as part of the PD.			

Final Plat Review Applicability Criteria (DDC Section 2.6.4.D)		Applicability		
		Met	Not Met	N/A
14. Whether the final plat conforms to the preliminary plat, including any conditions of approval.				
Findings:	The Final Plat conforms to the Preliminary Plat.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final Plat Review Applicability Criteria (DDC Section 2.6.4.D)	Applicability		
	Met	Not Met	N/A
15. Whether the development will substantially comply with all requirements of this DDC. Findings: <div style="border: 1px solid black; padding: 5px;"> <p>This Final Plat conforms to all of the requirements of the DDC except for those deficiencies stated in Criteria 1 and 4 above.</p> </div>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Whether the development will comply with the applicable technical standards and specifications adopted by the City. Findings: <div style="border: 1px solid black; padding: 5px;"> <p>This development has not yet established compliance with applicable standards and specifications adopted by the City as indicated herein.</p> </div>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>